

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

March 7, 2008

The Board of Educational Examiners held its monthly meeting on March 7, 2008. Vice Chair, Thomas Paulsen, called the meeting to order. Members attending were John Aboud, Ying Ying Chen, Brad Dirks, Tammy Duehr, Jeffrey Henderson, Merle Johnson, Thomas Paulsen, Greg Robinson, Jean Seeland, and Bev Smith. Also in attendance were Dr. George Maurer, Executive Director of the Board, and Christie Scase, Assistant Attorney General. Judy Jeffrey was unable to attend the meeting.

Tammy Duehr moved, with a second by Ying Ying Chen, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION CARRIED UNANIMOUSLY.**

Ying Ying Chen moved, with a second by Tammy Duehr, that in **cases number 07-14, 07-16 and 07-35**, the Board returns the complaints and investigative reports to the investigator to gather further information and return the cases to the Board for further consideration. Roll call vote: Aboud – yes; Chen – yes; Dirks – abstain; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – recuse; and Smith – yes; **MOTION CARRIED.**

Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 07-41**, the Board find that, although one or more of the allegations in the complaint may be substantiated by the witnesses interviewed in the course of the

1 investigation [and/or] the documents gathered in the course of the investigation,
2 the allegations did not constitute a technical violation of the board's statutes or
3 administrative rules. Roll call vote: Aboud – yes; Chen – yes; Dirks – abstain;
4 Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson – yes;
5 Seeland – yes; and Smith – yes. **MOTION CARRIED.**

6
7 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 07-**
8 **42**, In the Matter of Randall Davenport, the Board find probable cause to establish
9 a violation of the following provisions of the Code of Professional Conduct and
10 Ethics, 282 IAC 25.3(1) b, e(5) and order this case set for hearing. Roll call vote:
11 Aboud – yes; Chen – yes; Dirks – abstain; Duehr – yes; Henderson – yes; Johnson –
12 yes; Paulsen – yes; Robinson – yes; Seeland – yes; and Smith – yes. **MOTION**
13 **CARRIED.**

14
15 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number**
16 **06-41**, the board has not received all of the necessary information and we need to
17 table this until next month. Roll call vote: Aboud – yes; Chen – yes; Dirks –
18 abstain; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson –
19 yes; Seeland – yes; and Smith – yes. **MOTION CARRIED.**

20
21 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number**
22 **07-21**, In the Matter of Alan Naylor, the Board accept the stipulation and
23 settlement submitted by the parties, and issue an Order incorporating the
24 agreement of the parties and imposing the agreed upon sanction. Roll call vote:
25 Aboud – recuse; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes; Johnson –
26 yes; Paulsen – yes; Robinson – yes; Seeland – yes; and Smith – yes. **MOTION**
27 **CARRIED.**

28
29 Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 07-**
30 **35**, the Board extend the 180-day deadline for issuance of the final decision, due to
31 the need for additional time needed to complete the investigation and if necessary
32 conduct a hearing and issue a decision. Roll call vote: Aboud – yes; Chen – yes;

1 Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson
2 – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

3
4 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 07-**
5 **38**, the Board extend the 180-day deadline for issuance of the final decision, due to
6 the need for additional time to conduct a hearing, prepare a proposed decision, and
7 review the proposed decision by the Board. Roll call vote: Aboud – yes; Chen – yes;
8 Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson
9 – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

10
11 Merle Johnson moved, with a second by Greg Robinson, to approve the
12 January 31, 2008, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

13
14 Board Reports:

15 Ying Ying Chen reported that the BOEE handbook is very useful for administrators.
16 She has been trying to get ideas how it could be shared by other districts. The
17 administrators' group she has been meeting with has decided to use one of their
18 meetings to have a review of the information from the handbook.

19
20 Greg Robinson was at his evaluator approval class and there was a discussion
21 about the new initial license for administrators being one year. In looking at the
22 administrator standards, it may be difficult in a lot of circumstances for some
23 superintendents to make a recommendation after one year. New administrators
24 may need to get an extension for a second year and there is concern among the
25 superintendents that that is a money issue. Ying Ying Chen also reported that this
26 was an issue in her meetings as well. They were wondering what it would take to
27 change the one year to a two year minimum license. The change is a legislative
28 change and would require the legislature to change it.

29
30 Tammy Duehr reported on the ease of renewing her license online.

31
32 Public Comment:

33 There were no public comments.

1 Executive Director's Report:

2 Executive Director, Dr. George Maurer, presented the executive director's report.

3
4 Our bill was signed by the governor; it went through both houses without any
5 dissenting votes.

6
7 We have called the administrators in each district that had discrepancies on the
8 BEDS reports. We gave individuals until March 15 to resolve the discrepancies.
9 After March 15, individuals and administrators will receive letters regarding any
10 remaining discrepancies.

11
12 We have been working with the DCI and would like to purchase live scanning
13 equipment to process fingerprints. The equipment would cut down on time from
14 six to twelve weeks to three to four weeks.

15
16 We will be holding an ICN meeting with a number of HRs and superintendents
17 from districts throughout the state to get their input of what they would like to see
18 from the staff files and our files that we can get on the web site. It would be
19 similar to the BEDS system in that it would be a secure site for each individual
20 district. Districts would not be able to see information from another district.

21
22 We have received an inquiry for an exchange program with India for math, science
23 and special ed teachers. We will have further information on it, and if the board
24 does not object we would like to pursue the issue.

25
26 Rules:

27 Greg Robinson moved, with a second by John Aboud, to adopt the change to
28 Chapter 14.106(1) regarding Adding endorsement to licenses and Chapter
29 14.121(2) regarding Adding endorsements. Roll call vote: Aboud – yes; Chen – yes;
30 Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson
31 – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

1 Bev Smith moved with a second by John Aboud, to file under Notice of Intended
2 Action, the proposed changes to Chapter 25.3(6)(e) regarding Code of Professional
3 Conduct and Ethics. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –
4 yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – yes;
5 and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

6
7 John Aboud moved with a second by Jean Seeland, to insert the word illegally
8 before the word discriminate and then to file under Notice of Intended Action, the
9 proposed changes to Chapter 26.3(7) regarding Code of Rights and Responsibilities.
10 Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes;
11 Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – yes; and Smith – yes.

12 **MOTION CARRIED UNANIMOUSLY.**

13
14 Greg Robinson moved with a second by John Aboud, to file under Notice of
15 Intended Action, the proposed changes to Chapter 14.140(13) regarding Talented
16 and gifted teacher; Chapter 14.140(4) regarding English as a second language
17 (ESL); and Chapter 14.141(3) Business – all 5-12. Roll call vote: Aboud – yes; Chen
18 – yes; Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes;
19 Robinson – yes; Seeland – yes; and Smith – yes. **MOTION CARRIED**

20 **UNANIMOUSLY.**

21
22 Jeff Henderson moved with a second by Merle Johnson, to file under Notice of
23 Intended Action, the proposed changes to Chapter 14.132 regarding Requirements
24 for a Class G license. Roll call vote: Aboud – yes; Chen – yes; Dirks – yes; Duehr –
25 yes; Henderson – yes; Johnson – yes; Paulsen – yes; Robinson – yes; Seeland – yes;
26 and Smith – yes. **MOTION CARRIED UNANIMOUSLY.**

27
28 Items for Discussion:

29 The proposed changes to Chapter 14.123 regarding Requirements for an original
30 teaching subject area endorsement were discussed and will be brought back to the
31 April meeting for noticing.

1 The proposed change to Chapter 15.5 regarding the Repeal of Educational
2 Strategist was discussed and will be brought back to the April meeting for noticing.

3
4 The Board calendar for FY 09 was discussed. Proposed changes to the calendar
5 were discussed and the calendar will be brought back to the April meeting.

6
7 Reports:

8 The FY 2008 – Board Retreat report was presented by Dr. George Maurer.

9
10 The Department of Education Chapter 79 update was presented by Arlie Willems
11 and Carole Richardson, and the Curriculum Exhibits were presented by Geri
12 McMahon.

13
14 The Teacher Preparation Report-Program numbers was presented by Carole
15 Richardson.

16
17 The National Staff Development Conference Report and Troops to Teacher
18 Conference Report were postponed to the April meeting.

19
20 The Science Committee Report was presented by Susan Fischer.

21
22 Petitions for Waiver:

23 Merle Johnson moved, with a second by John Aboud, that in **PFW 08-04**, Ann
24 Schultz, the Board deny the Petition for Waiver. Roll call vote: Aboud – yes; Chen –
25 yes; Dirks – yes; Duehr – yes; Henderson – recuse; Johnson – yes; Paulsen – yes;
26 Robinson – yes; and Smith – yes; Seeland – absent. **MOTION CARRIED.**

27
28 Jeff Henderson moved, with a second by Merle Johnson, that in **PFW 08-05**, Kelli
29 Sitzmann, the Board deny the Petition for Waiver. Roll call vote: Aboud – yes; Chen
30 – yes; Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen – yes;
31 Robinson – yes; and Smith – yes; Seeland – absent. **MOTION CARRIED.**

1 John Aboud moved, with a second by Merle Johnson, that in **PFW 08-07**, Margery
2 Hemminger, the Board table the Petition for Waiver. Roll call vote: Aboud – yes;
3 Chen – yes; Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen –
4 yes; Robinson – yes; and Smith – yes; Seeland – absent. **MOTION CARRIED.**

5
6 John Aboud moved, with a second by Merle Johnson, that in **PFW 08-06**,
7 Cassandra Murra, the Board deny the Petition for Waiver. Roll call vote: Aboud –
8 yes; Chen – no; Dirks – yes; Duehr – yes; Henderson – yes; Johnson – yes; Paulsen
9 – yes; Robinson – yes; and Smith – no; Seeland – absent. **MOTION CARRIED.**

10
11 There being no further business, Tom Paulsen adjourned the meeting.